

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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2024 JUL 30 AM 11:07

DeMark Dixon

Petitioner

Vs

24-Cv-4312(LAP)

United States Of America

Respondent

Judge: Lorretta Preska

Derrick Mayors
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JUL 30 2024
Civil Clerk
U.S. ATTORNEY'S OFFICE SDNY

**MOTION FOR RECONSIDERATION AND
CLEAR UP CLERICAL ERROR**

This petitioner moves in this Court asking this Court to reconsider your July 7th 2024 dismissal Order, denying petitioner writ, and clear up a clerical error.

STANDARD OF REVIEW

A district court may issue a writ of error coram nobis pursuant to the all writs act 28 USC 1651(a) Where extraordinary circumstances are present "Nick v. U.S 955 F2d 161,167 (2d Cir.1992).

The proceeding leading to the petitioners conviction are presumed to be correct, and the Burden rest on the accused to show otherwise U.S.v Morgan 346 US 502. 512 1954

FACTS

This petitioner wasn't trying to reargue any old issues that was already argued prior to the filing Of this writ. Bits and pieces was only put in, so that this Court can familiarize yourself with what took place with my criminal case.

The motion for reconsideration (dkt. no. 19) is denied because Petitioner merely recycles earlier arguments.

12/12/24

SO ORDERED

Lorretta A. Preska
LORRETTA A. PRESKA
UNITED STATES DISTRICT JUDGE

There is two issues that allowed petitioner to file this writ, the first issue is when (1): The Late Judge Brieant, **"open the record for purpose of additional info request to find facts which may not Been mentioned"**, concerning the witnesses truthfulness in this case, where both Ms Dunne, and Mr. Gribetz, save **"NO"**. See petitioner writ pages 2 & 3, where Judge Brieant, info request, and Ms Dunne, And Mr. Gribetz, response is not mentioned in the Courts dismissal order, and; (2); The new Information That I received **27 years later** from February of 1997, to the current date on my writ. I was incarcerated From August 8th 1996 thru October 29th 1996, demonstrating petitioner did not conspire or commit any October 10th 1996 bank robbery. This was the type of info that Brieant was looking for. I could not have Been at two places at one time. This new info also satisfied two of the prongs for this writ that this Court Speaks of, in your Order. If the Government or petitioner Court Appointed counsel had provided the Court with this info 27 years ago, I would not be arguing this case before this Court today.

Remember the Government in the Eastern & Southern Districts of New York, use the same **Witnesses & discovery material**, and I was represented by the same Court Appointed Counsel in both Districts, which they both had access to all the info.

This Court quoted in your order that "the 2nd Circuit has articulated a three-pronged standard For when Coram Nobis relief is appropriate;

1): There are circumstances compelling such to achieve justice; Judge Brieant, opening the Record for additional info and petitioner provided the requested info 27 years later that the two Court Officers didn't do.

2): Sound reasons exist for failure to seek appropriate earlier relief; petitioner came into these Bank robbery cases blind without any knowledge, where I had to hunt down my own information for Many years.

3): The petitioner continues to suffer legal consequences from his conviction; This petitioner Has the legal right to secure employment in any place or State, without this unlawful conviction Coming up.

This petitioner was discriminated against in Norfolk Virginia, by a United States Probation officer, when I secure a corporation job, and housing. My late father help me secure To secure employment with NYC Dept Of Recreation, but now Im on my own again trying to Relocate another job in a cheaper cost of living State, but Its hard with this unlawful conviction Hanging over my head

CONCLUSION

This petitioners Constitutional 5th, 14th Amendments, was violated guarantee due process To all citizens, which is to fair procedures and to be protected from the Government depriving of the Life, liberty. Petitioner 6th Amendment was also violated the right to have a effective counsel during Criminal proceedings.

In the interest of justice and all fairness, petitioner is asking this Court to;

- (1): Reconsider your dismissal order; and
- (2): Clear up the Clerical Error; and
- (3): Allow the U.S. Attorney Office for the SDNY, to respond to the writ; and
- (4): Allow this petitioner to respond to their papers; and
- (5): Conduct a hearing, so I can bring additional supporting evidence to the case

Date

7/29/2024

Respectfully Submitted

Rollin Deon



NEW YORK CITY DEPARTMENT OF CORRECTION
Lynelle Maginley-Liddie, Commissioner

Office of the General Counsel/Legal Division
75-20 Astoria Boulevard, Suite 305
East Elmhurst, New York 11370
718-546-0950 / Fax 718-278-6001

June 28, 2024

DeMark Dixon
273 East 239th Street, Apt. 3D
Bronx, NY 10470
demarkdixon50@gmail.com

Re: FOIL Request
FOIL #: 2024FR3113

Dear Mr. Dixon:

This is an acknowledgment and final response to your request for records (copy enclosed) made pursuant to the New York State Freedom of Information Law.

Enclosed please find a copy of the Days Incarcerated Total Per Record (QNH#) you requested.

Very truly yours,

/s/Stephane Plantin
Stephane Plantin
Assistant General Counsel

Enclosure
SP/scp

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U.S. ATTORNEY'S OFFICE SDNY

From: DeMark Dixon
To: Records Access
Subject: [EXTERNAL] Release from the barge
Date: Friday, June 28, 2024 10:42:58 AM

You don't often get email from demarkdixon50@gmail.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Forward suspect email to phish@otl.nyc.gov as an attachment (Click the More button, then forward as attachment).

My name is DeMark Dixon. My din#4655556j. Dob#1/14/1964. I looking for information showing I was house on the "VERNON C. BAIN CENTER" boat that was located at 1 Halleck st, bx ny 10474. Do your system show any info that I was there on 10/10/1996. If you locate any info, please let me know by email demarkdixon50@gmail.com or mail 273 E 239th St, apt#3d, bx ny 10470 .tele#646-249-1913. Thank you

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New History NYSID Number Search (QNH#)

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Discharged After April 25, 1990

Din = Days Incarcerated Total Per Record

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Bran  Nysid #  Book&case#  Last Name  First Name  Admit Date  Din  Disc Date  Last Hou
=====
04655556J 2419510776 DIXON      DEMARK      20-JUL-95   155  21-DEC-95  GMD
04655556J 2419612916 DIXON      DEMARK      08-AUG-96   83   29-OCT-96  MTF
04655556J 5109300006 DIXON      DEMARK      05-JAN-93   44   17-FEB-93  ARD
04655556J 5419200254 DIXON      DEMARK      05-MAR-92   81   24-MAY-92  BKH
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